

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:18-CV-329-FL

Elizabeth Loboa, et al,

Plaintiff,

v.

Women's Health Alliance, P.A., et al,

Defendant.

Order

Plaintiffs Elizabeth Lobo and M. Todd Ridgeway request that the court place certain exhibits and briefs supporting their Motion to Compel, their Brief in Opposition to Motion for Protective Order, and a Notice of Filing under seal because these documents contain testimony that has already been deemed confidential pursuant to the Consent Protective Order in this case. Pl.'s Mot. to Seal, D.E. 47 at 1–2; Pl.'s Mot. to Seal, D.E. 61 at 1–4. Lobo and Ridgeway filed their motions to seal on May 24, 2019. The motions to seal have been present on the public docket since that time and no member of the public has opposed the motion. Defendants consent to the motions to seal.

Defendant Women's Health Alliance, P.A. requests that the court place its Memorandum of Law in Support for Protective Order and Exhibit 6 to the Motion under seal because these documents contain deposition testimony that has already been deemed confidential pursuant to the Consent Protective Order in this case. Def.'s Mot. to Seal, D.E. 50 at 1–2; Def.'s Mot. to Seal, D.E. 51 at 1–2. Women's Health Alliance filed its motions to seal on May 10, 2019 and May 13, 2019. The motions to seal have been present on the public docket since those dates and no member of the public has opposed them. Plaintiffs consent to both motions to seal.

Defendants Women's Health Alliance, P.A. and Tara Semler request that the court place their Memorandum of Law in Opposition to Plaintiff's Motion to Compel with accompanying exhibits under seal because these documents contain deposition testimony that has already been deemed confidential pursuant to the Consent Protective Order in this case. Def.'s Mot. to Seal, D.E. 57 at 1–2. Defendants filed their motion to seal on May 24, 2019. The motion to seal has been present on the public docket since that time and no member of the public has opposed the motion. Plaintiffs consent to the motion to seal.

Defendant Dr. Zoe Beatty requests that the court place her Memorandum of Law in Opposition to Plaintiff's Motion to Compel with accompanying exhibits under seal because these documents contain deposition testimony that has already been deemed confidential pursuant to the Consent Protective Order in this case. Def.'s Mot. to Seal, D.E. 55 at 1–2. Dr. Beatty filed her motion to seal on May 24, 2019. The motion to seal has been present on the public docket since

that time and no member of the public has opposed the motion. Plaintiffs consent to the motion to seal.

After considering the motions to seal and all related filings, the court is of the opinion that these six motions to seal should be granted because all of the factors set out in *In re Knight Publishing Co.*, 743 F.2d 231 (4th Cir. 1984) are satisfied with respect to each motion. The parties have demonstrated that the documents subject to the motion to seal contain or refer to deposition testimony that has been deemed confidential by the Consent Protective Order. Based upon this showing, the court finds that both the First Amendment and common law presumption of access has been overcome. Additionally, although the public has had notice of the request to seal and a reasonable opportunity to oppose the motion, no objections have been filed. Finally, the court has considered less dramatic alternatives to sealing and finds that they would be inadequate because the Consent Protective Order would not protect the sensitive information contained in the deposition testimony if these documents are not sealed.

Therefore, the motion to seal shall be granted. The court orders that the Clerk of Court shall permanently sealed the documents at issue.

Dated: June 25, 2019

A handwritten signature in black ink, reading "Robert T. Numbers, II". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

Robert T. Numbers, II
United States Magistrate Judge